

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL MCAFEE,

Plaintiff,

v.

**CLAYTON COUNTY JUSTICE
CENTER, et al.,**

Defendants.

Case No. 4:18-cv-01486-SNLJ

MEMORANDUM AND ORDER

This case comes before the Court on defendants Frederick Lemons and Jesse Meinhardt’s motion for summary judgment (ECF #30). In filing their motion, defendants failed to attach a memorandum of law in support—instead, they twice filed their statement of facts, *see* ECF #31, #32. To make matters worse, plaintiff (proceeding *pro se*) failed to timely respond to the motion and did not respond to the statement of facts, *see* ECF #38. In essence, the motion was never fully briefed by either side.


That said, this Court recently granted defendants’ motion for an extension of time, which sought more time to file an additional dispositive motion based on “plaintiff’s March 26, 2020 [deposition] testimony.” Defendants requested “an additional 45 days so that [they] have the opportunity to move for summary (sic) on the substantive merits of plaintiff’s claims” in addition to their collateral estoppel arguments made in the pending motion addressed here. Because defendants’ motion does not abide by Local Rule 4.01, which requires a memorandum of law to be filed in support of a summary judgment

motion, it will be denied. *See* E.D. MO. L. R. 4.01(A) (“the moving party must file with each motion a memorandum in support of the motion, including any relevant argument and citations to any authorities on which the party relies”). Defendants may refile their summary judgment motion, along with any new arguments they anticipate bringing in light of plaintiff’s deposition, by the newly-established deadline of May 18, 2020, *see* ECF #45.

Accordingly,

IT IS HEREBY ORDERED that defendants Frederick Lemons and Jesse Meinhardt’s motion for summary judgment (ECF #30) is **DENIED**.

So ordered this 15th day of April 2020.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE